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DEC 07 2004

OFFICE OF PETITIONS

Applicant: Pyles et al.
Appl. No.: 10/603,117
Filing Date: June 24, 2003
Title: DUAL-FUNCTION TREADING EXERCISER
Attorney Docket No.: JHT-001 USP
Pub. No.: US 2004/0102292 A1
Pub. Date: May 27, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on June 18, 2004 for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application republishes.

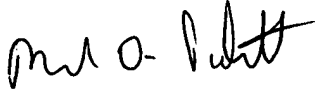
On June 24, 2003, the above identified application was filed without a benefit claim to the earlier filed U.S. application or a priority claim to the earlier filed foreign application. 37 CFR 1.78 in summary requires that a benefit claim to an earlier filed application must be contained in the first sentence of the application or be submitted in an amendment or application data sheet within the required time frame within the later of four months from the actual filing date or the date on which the national stage commenced, or sixteen months from the filing date of the prior-filed application.¹ The amendment making the priority and benefit claims filed on January 13, 2004, was not timely filed. Since, a proper benefit claim and a proper priority claim in accordance with 37 CFR 1.55 and 1.78 were not made within the required time period, the information has been removed from the pre-exam system.

In order to make a late benefit claim to the earlier filed applications, applicant must submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of

¹See Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. §§ 119(e), 120, 121, and 365(c), 1268 Off. Gaz. Pat. Office Notices 89 (March 18, 2003).

the earlier filed applications. The petition must include 1) the surcharge (\$1370) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference (amendment) to the prior applications in order for the petition to be granted.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt
Copy of Filing Receipt mailed September 15, 2003